

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re: :
:
Douglas J. Baxter : **Case No.: 16-57318**
: **Chapter 13**
Debtor(s). : **Judge John E. Hoffman Jr.**
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RESPONSE TO OBJECTION TO CLAIM (DOCKET # 46)

Now comes PNC Bank, National Association ("Creditor") by and through its attorneys, Manley Deas Kochalski LLC, and responds to the Objection to Claim filed by Douglas J. Baxter ("Debtor") on April 7, 2017 at Docket # 46. The basis of the Debtor's objection is the Proof of Claim contains a line item for "projected escrow shortage" in the amount of \$2,919.60 which appears to be accounted for in the prorated escrow shortage line item contained in the "Notice of Mortgage Payment Change" filed by same creditor as Document No. 44 on April 4, 2017. The projected escrow shortage in both the Proof of Claim and the Notice of Payment Change would result in a double recovery in that amount by the Claimant. Furthermore, the Notice of Mortgage Payment Change indicates that the Debtor's escrow account has a surplus balance of \$3,975.73.

The Notice of Mortgage Payment Change filed April 4, 2017 shows current escrow and prorated escrow shortage in the amount of \$478.90 and the new payment escrow in the amount of \$463.84. The escrow statement shows a breakdown of payments to escrow in the amount of \$463.84, only the amount needed to pay taxes and insurance for the current year. The escrow shortage in the amount of \$2,919.60 is being collected only in the Proof of Claim and not in the

Notice of Payment Change. The escrow portion of the new payment is decreasing instead of increasing.

In addition, the Escrow Account Disclosure Statement dated March 14, 2017, calculation of escrow adjustment shows escrow surplus in the amount of \$3,975.73. That projected escrow surplus would only occur if the loan was current. The Proof of Claim states that the Debtor's prepetition arrears start May 1, 2012 through October 1, 2016.

WHEREFORE, Creditor respectfully requests that a hearing be set on the matter and that the objection be overruled.

Respectfully submitted,

/s/ Adam B. Hall
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Attorneys for Creditor
The case attorney for this file is Adam B. Hall.
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Response to Objection to Claim was electronically through the court's ECF System at the email address registered with the court:
Office of U.S. Trustee, Southern District of Ohio, Party of Interest, 170 North High Street, #200, Columbus, OH 43215

Faye D. English, 10 West Broad Street, Suite 900, Columbus, OH 43215,
faye.english@ch13columbus.com

Shannon M. Treynor, Attorney for Douglas J. Baxter, 63 North Main Street, P.O. Box 735, London, OH 43140, shannon.treynor@sbcglobal.net

and by ordinary U.S. mail on April 20, 2017 addressed to:

Douglas J. Baxter, 3167 Aldridge Court, Dublin, OH 43017

Susan E. Baxter, 3167 Alderridge Court, Dublin, OH 43017

/s/ Adam B. Hall

Adam B. Hall